

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NUMBER: 10-20123

HONORABLE VICTORIA A. ROBERTS

v.

DAVID BRIAN STONE, et al.,

Defendant.

**ORDER DENYING MOTION FOR THE RETURN OF SEIZED PROPERTY OR, IN THE
ALTERNATIVE, FOR THE MONETARY EQUIVALENT OF UNRETURNED SEIZED
PROPERTY (DOC. # 820)**

The Court held a hearing on January 25, 2013, to consider, among other things, whether Defendants were entitled to monetary damages under Rule 41(g) of the Federal Rules of Criminal Procedure for the Government's alleged wrongful destruction of Defendants' property. They filed motions for the return of property under Rule 41(g).

For the reasons stated on the record, Defendants' Motion is **DENIED**. Defendants may file a claim under the Federal Tort Claims Act ("FTCA"). Also, the Court finds that the two year statute of limitations under the FTCA was tolled during the pendency of the criminal action. The statute of limitations under the FTCA begins to run today.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: January 25, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 25, 2013.

s/Linda Vertriest
Deputy Clerk